

REMARKS/ARGUMENTS

In the Office action dated March 7, 2007, the Examiner rejected claims 1-5, all of the claims in the Application, under 35 U.S. C. § 102(b) as being anticipated by U.S. Patent No. 6,151,851 to Carter.

In the Specification, the title is amended to indicate that the invention also includes a method. The Declaration filed in this case identified the title of the Application as "Telescope Sectioned Moment Column and Method," which was also the title of the predecessor provisional patent application.

In the Claims, claims 1 and 5 are amended. New claims 6-8 are presented for consideration.

The Invention

The invention is a structural column and a method of assembling the structural column. In particular, a column which is cross-sectionally tapered, in a stepped fashion, from one end to another by virtue of its being formed with, and by, plural, telescopically nested, hollow and elongate sections that, in fully assembled conditions, longitudinally overlap one-another to furnish moment, load-bearing connections between next-adjacent sections. The invention also recites use of the column of the invention in a multi-story building frame structure.

The Applied Art

The sole piece of applied art is U.S. Patent No. 6,151,852 to Carter, which describes use of a column structure formed of plural section, where the section are fittable along a minor portion of their length into a next lower, next larger section.

The Claims

Applicant has carefully reviewed the specification, claims, abstract and drawings in this case, has studied the cited and applied prior art references, has considered the various comments and suggestions made by the Examiner, and by the present amendment propose certain changes, and advances certain arguments, which are believed to place all claims remaining in this case, on the basis of entry of this amendment, in conditions for formal allowance.

Claim 1 has been amended to clarify that the second elongate, hollow and tubular column section is receivable along a majority of its length in said first elongate, hollow and tubular column section and is extendable therefrom to an extended condition. This differs from Carter, in that only a minor portion of each section of Carter is receivable in the next small section, as Carter requires attachment of retainers 36 prior to assembly, thus preventing Applicant's telescoping capability. Col. 5, lines 16-51. Claim 1 is allowable over the applied art.

Claims 2, 3 and 4 are allowable with their allowable parent claim.

Claim 5 has been amended along the lines of claim 1, and further recites the telescoping of the column sections for transport, and that the sections are telescopically extended and fastened for final assembly. Again, these features are neither taught nor suggested by the applied art, and the claim is therefor allowable thereover.

New claims 6-8 define a method of practicing the invention and is believed to be allowable over the applied art.

In light of the foregoing amendment and remarks, the Examiner is respectfully requested to reconsider the rejections and objections state in the Office action, and pass the

application to allowance. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact the undersigned.

Provisional Request for Extension of time in Which to Respond

Should this response be deemed to be untimely, Applicants hereby request an extension of time under 37 C.F.R. § 1.136. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

Customer Number

56703

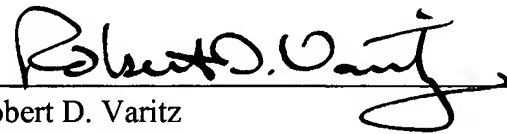
Respectfully Submitted,

ROBERT D. VARITZ, P.C.

Registration No: 31436

Telephone: 503-720-1983

Facsimile: 503-233-7730

A handwritten signature in black ink, reading "Robert D. Varitz", is written over a horizontal line.

Robert D. Varitz
4915 S.E. 33d Place
Portland, Oregon 97202



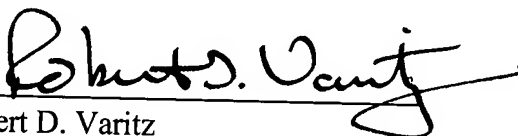
CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label No.
Date of Deposit - May 29, 2007

EV965176916US

I hereby certify that the attached Response to Office Action under 37 C.F.R. § 1.111 is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Washington, D.C. 22313-1450


Robert D. Varitz